

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRENCE N. GILLILAND, et al.,

Plaintiffs,

vs.

HARLEY-DAVIDSON MOTOR
COMPANY GROUP, LLC,

Defendant.

8:12CV384

ORDER

This matter is before the court on the parties' joint motion (Filing No. 27) to extend certain progression order deadlines. The parties have sustained their burden of showing good cause exists for the extension of some of the deadlines. Accordingly, the June 14, 2013, Order is amended and the parties' motion is granted as set forth below.

IT IS ORDERED:

1. The parties' joint motion to extend (Filing No. 27) is granted in part and denied in part.

2. The deadline for filing motions for summary judgment is extended from October 31, 2013, to **December 17, 2013**.

3. All depositions, whether or not they are intended to be used at trial, shall be completed by **February 3, 2014**.

4. **Disclosure of Expert Witnesses.**¹ Each defendant, counter-defendant, and cross-defendant shall serve its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705, Fed. Rules of Evidence, pursuant to Fed. R. Civ. P. 26(a)(2) as soon thereafter as practicable, but not later than **November 18, 2013**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than **December 9, 2013**, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) **and** makes the expert witness

¹ A treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in a case" so as to require a written report under Fed. R. Civ. P. 26(a)(2)(B).

available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

5. Motions *in limine* challenging the admissibility of expert testimony at trial under Fed. R. Evid. 702 shall be filed by **December 17, 2013**, as previously ordered.

Dated this 25th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge